

WATER ALLOCATION PROGRAM DEVELOPMENT WATER RIGHTS SUBCOMMITTEE MEETING

MINUTES OF MEETING March 11, 2003

Members Present:

Dale Thompson
Jon Schock
Al Bettencourt
John Garry
William Stamp
Katherine Wallace
Annette Jacques

Members Absent:

Fred Crosby
Peter Dennehy
Christopher D'Ovidio
John Killoy
Mary Ellen McCabe
Rebecca Partington
Peter Pascucci
Ken Payne
Paul Ryan
John Spirito
Wendy Waller
Kendra Beaver
Brian Bishop
Gregory Schultz
Caroline Karp

WRB Staff Present

Connie McGreavy

I. CALL TO ORDER:

With a quorum present, Dale Thompson called the meeting to order at 2:40 PM.

II. APPROVAL OF MINUTES:

After a review of the revised mission statement, the minutes were approved on a motion from Jon Schock seconded by John Garry.

III. ITEMS FOR ACTION:

- A) **Presentation of Regulatory Authority Diagram to full WAPAC** (see discussion)
Incorporate changes from last meeting.

IV. ITEMS FOR DISCUSSION:

A) Group Water Allocation Presentation, March 27, 2003

Connie McGreavy and Dale Thompson confirmed that the Water Rights Subcommittee was on the agenda to present at the next Water Allocation Program Development Meeting to be held later this month. The group agreed that Caroline Karp and Katharine Wallace will present and discuss the Regulatory Authority Diagram at the meeting of the full committee. The Water Rights Subcommittee would continue to research water rights issues after this meeting and would report them to the larger group as needed.

B) Review and Discussion of Regulatory Authority Diagram

The subcommittee met to review the logic behind the diagram, and to identify any conflicts or gaps in the diagram. Katharine Wallace and Connie McGreavy began by explaining the diagram. The following items were then discussed:

- It was noted by John Garry that the Special Area Management Plans are not presently in the diagram. It was discussed and determined that although SAMPs are promulgated by the CRMC, they have individual regulations and therefore should be added as a separate “box” into the diagram under the CRMC.
- It was noted that Watershed Councils listed under Local Government should not have a separate box as they are advisory in nature and do not have regulatory power.
- Annette Jacques of the Narragansett Bay Commission pointed out that the NBC is quasi-state agency that has regulatory authority over the largest wastewater district in the state. It is not part of a “local government” as indicated on the diagram. It was determined that the “local government” category will be changed to “Regional/Local Government” to handle this situation.
- It was discussed whether or not the State Guide Plan has regulatory authority. Connie McGreavy will contact Peter Dennehy at DOA. If it does have such authority, then it will be added under the DOA in a separate box as well.
- Both Al Bettencourt and Bill Stamp from the RI Farm Bureau were present and discussed the fact that it is not clear what regulations the Farm Bureau falls within. At the present time, they do not believe that they fall under DEM regs unless they need a permit to dig a pond – which would fall under the Wetlands regulations. They noted however that they may be exempt from such regs and would go to the Department of Agriculture. There was a question as to whether the Dept of Agriculture has its own regulations with regard to the use of water, particularly in times of drought. K. Ayers will confirm with DAG if they have such regulations, if so, they will also be added as a separate box falling under DEM. A discussion then ensued regarding the ownership interests of water on one’s land. A comparison was drawn as to oil, however, as this issue does not concern the diagram, it was tabled for the time being.
- Private wells were discussed. Apparently, the self-supply of ground water or surface water is a largely unregulated area. There are no regulations unless the well is in a wetlands area or if the well is considered a public drinking water supply, where both DOH and the RI Water Resources Board have some regulatory jurisdiction.
- The Local Water and Wastewater Regulatory Authorities in Rhode Island diagram was also reviewed. Annette will contact the PUC to determine which wastewater

authorities they regulate, and if their regulatory authority is confined to rate structures.

- The Dept. of Fish & Wildlife, NOAA, and FERC may also have federal regulatory authority over irrigation issues (consumptive v. nonconsumptive). Need to determine if this is case, and if so, add under the Federal Govt section of diagram.
- It was also determined that a separate diagram would need to be developed for drought - emergency/crises situations, preferably by the 3/27 group meeting.

V. OTHER BUSINESS

The next meeting was scheduled for Tuesday, April 2, at 2:00 PM.

VI. ADJOURNMENT

On a motion by ????? seconded by , the meeting adjourned at 4:00 PM.

Respectfully submitted,

Dale Thompson
Roger Williams University School of Law

Katherine Wallace
Brown University

**Note: For more information on Water Allocation, visit: <http://www.seagrant.gso.uri.edu/scc/wrb/index.html>.*